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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/612,569

07/02/2003

Peter Traneus Anderson

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2431

23446

7590

10/05/2005

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EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/612,569

Applicant(s)

ANDERSON, PETER TRANEUS

Examiner

Edwin C. Holloway, III

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**EXAMINER'S RESPONSE**

1. In response to the application filed 7-2-03, the application has been examined. The examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

***Claim Rejections - 35 USC § 102 & 103***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

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Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Stephen (US 4302846).

Regarding claims 13-14, Stephen discloses a marker tag with coil L around a core and connected to diode 244 and capacitor C for transmitting a signal. See fig. 4A and col. 6 lines 58-68.

6. Claims 1-2, 8-9, 15-18 and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Hermann (US 4670740)).

Regarding claims 1-2, 8-9, 15-18 and 28-29, Herman discloses a transponder tag used in a surveillance or tracking system with a diode D1 in parallel with a coil L for receiving a first wireless electromagnetic signal at a first frequency and transmitting a second signal at a second frequency to identify the tag. See at least fig. 1 and the abstract.

7. Claims 1-3, 5, 7-12, 15-29 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Augenblick (US 3789642) in combination with Carney (US 5446447).

Augenblick discloses a transponder or target 24 used in a recognition or tracking system (col. 1 lines 50-55) with a diode 28 in parallel with a capacitor 34 and a coil 36 for receiving a

first wireless electromagnetic signal at a first frequency and transmitting a second signal at one or more second frequencies. See at least fig. 1 and col. 2 line 58 - col. 3 line 62. Regarding claim 18, the transponder is identified by the response signal. Switches to vary the reactance including the capacitance and change the second frequency are included in col. 4 lines 40-51. An antenna 26 is included, but coil for the antenna is not specified.

Carney discloses an analogous art tag system with coil antenna 24 in parallel with tuning devices including capacitors 26-32 and switching diodes 42-48 controlled by controller 36 in fig. 1. Antenna 24 receives one or more first frequencies from a reader and transmits one or more second frequencies selected by the switching. The switching varies reactance or capacitance to vary the resonance frequency. A single varactor diode may be provided as in fig. 16 or separate switches in fig. 18. The See at least cols. 5-6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Augenblick the coil antenna that Carney discloses is well known in such devices for receiving power and providing a response in a passive tag. It further would have been obvious to have included the controller and plural frequency selection circuits

of Carney in view of the switches in figs. 10-11 of Augenblick for selecting a code in a similar manner.

8. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Augenblick (US 3789642) and Carney (US 5446447) as applied above and further in view of Murdoch '583 (US 5153583).

Murdoch '583 discloses a transponder with a synchronous rectifier in cols. 11 and 14 to provide simple and readily integrated rectification. A transistor for modulation switching in the integrated circuit is provided in fig. 4.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the synchronous rectifier and/or the transistor of Murdoch '583 to allow integrated circuit rectification/switching.

9. Claims 4, 6 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Augenblick (US 3789642) and Carney (US 5446447) as applied above and further in view of Walton (US 4918416).

Walton discloses a transponder with a transistor switches 30 and 31 in series with diodes 25 and 25 to change reactance of the transponder and provide modulation of a response signal with low power drain. See at least fig. 1 and cols. 2-3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above at least one transistor switch in series with a diode as disclosed in Walton for low power drain.

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kalmus (US 4074227) discloses a transponder with diode in series with a switch Murdoch '121 (US 5701121) discloses a transponder with switching of impedance.

### **CONTACT INFORMATION**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 703-305-3028 or toll free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at [ebc@uspto.gov](mailto:ebc@uspto.gov). The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (571) 272-2600.

Prior to July 15, 2005, facsimile submissions may be sent via central fax number (703) 872-9306 to customer service for entry by technical support staff. Questions related to the operation of the facsimile system should be directed to the Electronic Business Center at (866) 217-9197. On July 15, 2005, the Central FAX Number will change to 571-273-8300. This new

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Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and 571-273-8300 will be the only facsimile number recognized for "centralized delivery".

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number. Inquiries concerning only hours and location of the Customer Window may be directed to OIPE Customer Service at (703) 308-1202.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068.

EH  
10/2/05

  
EDWIN C. HOLLOWAY, III  
PRIMARY EXAMINER  
ART UNIT 2635